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PAUL RICHMOND(WSBA# 32306)
4616 25th Avenue NE, #449
Seattle, WA, 98105
(206) 526-0565

LAWRENCE A HILDES (WSBA# 35035)
P.O. Box 5405
Bellingham, WA 98227
Telephone: (360) 715-9788
Fax: (360) 714-1791

Attorneys for Plaintiffs:
ROBERT BARNES, JOSEPH O'CONNOR, K.L. SHANNON, ERIC WIRKMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ROBERT BARNES
JOSEPH O'CONNOR
K.L. SHANNON
ERIC WIRKMAN

Plaintiffs,

vs.

CITY OF SEATTLE; SEATTLE POLICE
DEPARTMENT; THE LAW
ENFORCEMENT INTELLIGENCE UNIT
TUKWILLA POLICE DEPARTMENT,
BURIEN POLICE DEPARTMENT,
RENTON POLICE DEPARTMENT,
REDMOND POLICE DEPARTMENT,
KING COUNTY SHERIFF'S OFFICE,
CAPTAIN MICHAEL SANFORD,
individually and in his official capacity
as a CAPTAIN OF THE SEATTLE
POLICE DEPARTMENT; and JANE
DOE SANFORD, his wife, and the
marital community there of ; CHIEF R.

BARNES ET AL V. CITY OF SEATTLE, COMPLAINT

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

) CA END
)
) COMPLAINT FOR CIVIL RIGHTS
) VIOLATIONS 42 USC 1983;
) FALSE
) IMPRISONMENT, BATTERY,
) ASSAULT, TRESPASS TO CHATTEL,
) CONVERSION,
) INTENTIONAL INFLICTION OF
) EMOTIONAL DISTRESS, NEGLIGENCE

CV05-1340L



05-CV-01340-CMP

CV5 1340 L

1 GIL KERLIKOWSKE individually and in)
 2 his capacity as the CHIEF)
 3 of the SEATTLE POLICE DEPARTMENT)
 4 and JANE DOE KERLIKOWSKE)
 5 and the marital community composed)
 6 thereof; CLARK KIMERER,)
 7 individually and in his capacity as)
 8 a DEPUTY CHIEF of the SEATTLE)
 9 POLICE DEPARTMENT And JANE DOE)
 10 KIMERER and the marital)
 11 community composed thereof;)
 12 ASSISTANT CHIEF JIM PUGEL,)
 13 individually and in his official capacity)
 14 as an ASST. CHIEF of the SEATTLE)
 15 POLICE DEPARTMENT and JANE DOE)
 16 PUGEL and the marital community)
 17 composed thereof; STEVE WILSKE,)
 18 individually and in his Official capacity)
 19 as a LIEUTENANT OF THE SEATTLE)
 20 POLICE DEPARTMENT, and JANE DOE)
 21 WILSKE and the marital community)
 22 composed thereof; J.K. DYMENT,)
 23 individually and in her Official capacity)
 24 as a SERGEANT of the SEATTLE)
 25 POLICE DEPARTMENT AND JOHN DOE)
 26 DYMENT, and the marital community)
 27 composed thereof; A.C. PRICE,)
 28 individually and in his Official capacity)
 29 as a SERGEANT OF the SEATTLE)
 30 POLICE DEPARTMENT, and JANE)
 31 DOE PRICE and the marital community)
 32 composed thereof; G. CALDER,)
 33 individually and in his Official capacity)
 34 as a LIEUTENANT of the SEATTLE)
 35 POLICE DEPARTMENT and JANE DOE)
 36 CALDER and the marital community)
 37 composed thereof; J.J. JANKAUSKAS,)
 38 individually and in his official capacity)
 39 as a LIEUTENANT of the SEATTLE)
 40 POLICE DEPARTMENT and JANE DOE)
 41 JANKAUSKAS, and the marital)
 42 community thereof; M.A. COOMES,)
 43 individually and in his Official capacity)
 44 as a SERGEANT of the SEATTLE)
 45 POLICE DEPARTMENT and JANE DOE)
 46 COOMES and the marital community)

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1 thereof; D.R. LOWE, individually and in)
 2 his Official capacity as a SERGEANT of)
 3 the SEATTLE POLICE DEPARTMENT)
 4 and JANE DOE LOWE and the marital)
 5 community thereof; J.J. MAGAN,)
 6 individually and in his official capacity)
 7 as a SERGEANT of the SEATTLE)
 8 POLICE DEPARTMENT and JANE DOE)
 9 MAGAN and the marital community)
 10 thereof; SGT. BRADY, individually)
 11 and in his Official capacity as a)
 12 SERGEANT of the SEATTLE POLICE)
 13 DEPARTMENT, and JANE DOE BRADY)
 14 and the marital community thereof;)
 15 SGT. BROTHERTON, individually and)
 16 in his Official capacity as a SERGEANT)
 17 of the SEATTLE POLICE DEPARTMENT,)
 18 and JANE DOE BROTHERTON and the)
 19 marital community thereof; DETECTIVE R.)
 20 ROMERO, individually and in his Official)
 21 capacity as a DETECTIVE of the SEATTLE)
 22 POLICE DEPARTMENT and JANE DOE)
 23 ROMERO and the marital community)
 24 thereof; P.C. WALL, individually and in his)
 25 Official capacity as an OFFICER of the)
 26 SEATTLE POLICE DEPARTMENT, and)
 27 JANE DOE WALL and the marital)
 28 Community thereof; D.D. DARNALL,)
 29 individually and in his Official capacity)
 30 as an OFFICER of the SEATTLE POLICE)
 31 DEPARTMENT, and JANE DOE DARNALL)
 32 and the marital community thereof; R.)
 33 NELSON, individually and in his Official)
 34 capacity as an OFFICER of the SEATTLE)
 35 POLICE DEPARTMENT and JANE DOE)
 36 NELSON and the marital community thereof)
 37 G. NELSON, individually and in his)
 38 Official capacity as a SERGEANT of the)
 39 SEATTLE POLICE DEPARTMENT, and)
 40 JANE DOE NELSON and the marital)
 41 Community thereof; MATTHEW M. DIESZI,)
 42 Individually and in his Official capacity as)
 43 an Officer of the SEATTLE POLICE)
 44 DEPARTMENT and JANE DOE DIESZI)
 45 and the marital community thereof; K.)
 46 SWANK, individually and in his Official)

1 capacity as an OFFICER of the SEATTLE)
 2 POLICE DEPARTMENT and JANE DOE)
 3 SWANK and the marital community thereof;)
 4 TAD K. WILLOUGHBY, individually and in)
 5 his Official capacity as a SERGEANT of)
 6 the SEATTLE POLICE DEPARTMENT, and)
 7 JANE DOE WILLOUGHBY and the marital)
 8 community thereof; MICHAEL WHIDBEY,)
 9 individually and in his Official capacity as a)
 10 DETECTIVE of the SEATTLE POLICE)
 11 DEPARTMENT and JANE DOE WHIDBEY)
 12 and the marital community thereof; VERNER)
 13 O'QUIN, individually and in his Official)
 14 capacity as a SERGEANT of the SEATTLE)
 15 POLICE DEPARTMENT and JANE DOE)
 16 O'QUIN and the marital community thereof;)
 17 SGT. JANDOC, individually and in his)
 18 Official capacity as a SERGEANT of the)
 19 SEATTLE POLICE DEPARTMENT and JANE)
 20 DOE JANDOC and the marital community)
 21 thereof; OFFICER LANDERS, individually)
 22 and in his Official capacity as an Officer of)
 23 the SEATTLE POLICE DEPARTMENT and)
 24 JANE DOE LANDERS and the marital)
 25 community thereof; LOREN R. STREET)
 26 individually and in his Official capacity as an)
 27 OFFICER of the SEATTLE POLICE)
 28 DEPARTMENT and JANE DOE STREET)
 29 and the marital community thereof; P.J. FOX,)
 30 individually and in his Official capacity as an)
 31 OFFICER of the SEATTLE POLICE)
 32 DEPARTMENT, and JANE DOE)
 33 FOX and the marital community)
 34 thereof; THOMAS M. MOONEY, Individually)
 35 and in his Official capacity as an OFFICER)
 36 of the SEATTLE POLICE DEPARTMENT,)
 37 and JANE DOE MOONEY and the marital)
 38 community thereof; K. ZEIGER, individually)
 39 and in his Official capacity as an OFFICER)
 40 of the SEATTLE POLICE DEPARTMENT,)
 41 and JANE DOE ZEIGER and the marital)
 42 community thereof; J.J. LEE, individually)
 43 and in his Official capacity as an OFFICER)
 44 of the SEATTLE POLICE DEPARTMENT,)
 45 and JANE DOE LEE and the marital)
 46 community thereof; RIK K. HALL,)

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1 individually and in his Official capacity as)
 2 an OFFICER of the SEATTLE POLICE)
 3 DEPARTMENT, and JANE DOE HALL and)
 4 the marital community thereof; M. LANZ,)
 5 individually and in his Official capacity as an)
 6 OFFICER OF THE SEATTLE POLICE)
 7 DEPARTMENT, and JANE DOE LANZ and)
 8 the marital community thereof; PATRICIA)
 9 A. MACDONALD, individually and in her)
 10 capacity as an OFFICER of the SEATTLE)
 11 POLICE DEPARTMENT and JOHN DOE)
 12 MACDONALD and the marital community)
 13 thereof; WALTER M. HAYDEN, individually)
 14 and in his Official capacity as an OFFICER)
 15 of the SEATTLE POLICE DEPARTMENT,)
 16 and JANE DOE HAYDEN and the marital)
 17 community thereof; MARK A. GRINSTEAD,)
 18 individually and in his Official capacity as an)
 19 Officer of the SEATTLE POLICE)
 20 DEPARTMENT, and JANE DOE GRINSTEAD)
 21 and the marital community thereof; TOMMIE)
 22 M. DORAN, individually and in his Official)
 23 capacity as an OFFICER of the SEATTLE)
 24 POLICE DEPARTMENT and JANE DOE)
 25 DORAN and the marital community thereof;)
 26 ADRIAN Z. DIAZ, individually and in his)
 27 Official capacity as a SERGEANT of the)
 28 SEATTLE POLICE DEPARTMENT, and)
 29 JANE DOE DIAZ and the marital community)
 30 thereof; CHAD L. MCLAUGHLIN,)
 31 individually and in his Official capacity as an)
 32 OFFICER of the SEATTLE POLICE)
 33 DEPARTMENT, and JANE DOE)
 34 MCLAUGHLIN and the marital community)
 35 thereof; BRAD CONWAY, individually and in)
 36 his Official capacity as an Officer of the)
 37 SEATTLE POLICE DEPARTMENT, and)
 38 JANE DOE CONWAY and the marital)
 39 community thereof; MATTHEW BRADRICK,)
 40 individually and in his Official capacity as an)
 41 OFFICER of the SEATTLE POLICE)
 42 DEPARTMENT, and JANE DOE BRADRICK)
 43 and the marital community thereof; DAVID)
 44 FITZGERALD, individually and in his Official)
 45 Capacity as an OFFICER of the SEATTLE)
 46 POLICE DEPARTMENT and JANE DOE)

1 **FITZGERALD and the marital community)**
 2 **thereof; RANDALL A. JOKELA, individually)**
 3 **and in his Official capacity as an OFFICER)**
 4 **of the SEATTLE POLICE DEPARTMENT,)**
 5 **and JANE DOE JOKELA and the marital)**
 6 **community thereof; GEORGE HISSUNG JR)**
 7 **individually and in his Official capacity as an)**
 8 **OFFICER of the SEATTLE POLICE)**
 9 **DEPARTMENT, and JANE DOE HISSUNG)**
 10 **and the marital community thereof; JASON)**
 11 **G. DRUMMOND, individually and in his)**
 12 **Official capacity as an OFFICER of the)**
 13 **SEATTLE POLICE DEPARTMENT, and)**
 14 **JANE DOE DRUMMOND and the marital)**
 15 **community thereof; JOHN A . DIAZ,)**
 16 **individually and in his Official capacity as an)**
 17 **OFFICER of the SEATTLE POLICE)**
 18 **DEPARTMENT, and JANE DOE DIAZ and)**
 19 **the marital community thereof; OFFICER)**
 20 **MCCRAE, individually and in his Official)**
 21 **capacity as an OFFICER of the SEATTLE)**
 22 **POLICE DEPARTMENT, and JANE DOE)**
 23 **MCCRAE and the marital community thereof)**
 24 **JAMES B. PATCHEN, individually and in)**
 25 **his Official capacity as an OFFICER of the)**
 26 **SEATTLE POLICE DEPARTMENT and JANE)**
 27 **DOE PATCHEN and the marital community)**
 28 **thereof; MICHAEL M. SUDDUTH, individually)**
 29 **and in his Official capacity as an OFFICER)**
 30 **of the SEATTLE POLICE DEPARTMENT,)**
 31 **and JANE DOE SUDDUTH and the marital)**
 32 **community thereof; WILLIE WILLIAMS,)**
 33 **individually and in his Official capacity as an)**
 34 **OFFICER of the SEATTLE POLICE)**
 35 **DEPARTMENT, and JANE DOE WILLIAMS)**
 36 **and the marital community thereof; W.)**
 37 **CRAVENS, individually and in his Official)**
 38 **capacity as an OFFICER of the SEATTLE)**
 39 **POLICE DEPARTMENT, and JANE DOE)**
 40 **CRAVENS and the marital community)**
 41 **thereof; R. BOURNES, individually and in)**
 42 **his Official capacity as an OFFICER of the)**
 43 **SEATTLE POLICE DEPARTMENT, and)**
 44 **JANE DOE BOURNES and the marital)**
 45 **community thereof; MARK L. WORSTMAN,)**
 46 **individually and in his Official capacity as)**

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1 a SERGEANT of the SEATTLE POLICE)
 2 DEPARTMENT, and JANE DOE WORSTMAN)
 3 BILL GARDINER, individually and in his)
 4 Official capacity as a LIEUTENANT of the)
 5 WASHINGTON STATE PATROL, and JANE)
 6 DOE GARDINER and the marital community)
 7 thereof; MARK W. LAMOREAUX, individually)
 8 and in his Official capacity as a)
 9 LIEUTENANT of the WASHINGTON STATE)
 10 PATROL, and JANE DOE LAMOREAUX and)
 11 the marital community thereof; SHAWN)
 12 BERRY, individually and in his Official)
 13 capacity as a DETECTIVE of the)
 14 WASHINGTON STATE PATROL, and JANE)
 15 DOE BERRY and the marital community)
 16 thereof; JAMES A. CHROMEY, individually)
 17 and in his Official capacity as a)
 18 LIEUTENANT of the WASHINGTON STATE)
 19 PATROL, and JANE DOE CHROMEY and the)
 20 marital community thereof; DAVID W.)
 21 BOURLAND, individually and in his Official)
 22 capacity as a TROOPER of the)
 23 WASHINGTON STATE PATROL, and JANE)
 24 DOE BOURLAND and the marital community)
 25 thereof; CURT G. BOYLE, individually and in)
 26 his Official capacity as a TROOPER of the)
 27 WASHINGTON STATE PATROL, and JANE)
 28 DOE BOYLE and the marital community)
 29 thereof; RICARDO BRITO, individually and in)
 30 his Official capacity as a TROOPER of the)
 31 WASHINGTON STATE PATROL, and JANE)
 32 DOE BRITO and the marital community)
 33 thereof; DARIN F. DE RUWE, individually)
 34 and in his Official capacity as a TROOPER)
 35 of the WASHINGTON STATE PATROL, and)
 36 JANE DOE DE RUWE and the marital)
 37 community thereof; BRYAN R. DUCOMMUN,)
 38 individually and in his Official capacity as a)
 39 TROOPER of the WASHINGTON STATE)
 40 PATROL, and JANE DOE DUCOMMUN and)
 41 the marital community thereof; ANN E.)
 42 DUTTON, individually and in her Official)
 43 Capacity as a DETECTIVE of the)
 44 WASHINGTON STATE PATROL, and JOHN)
 45 DOE DUTTON and the marital community)
 46 thereof; KEVIN L. FORRESTER, individually)
 BARNES ET AL V. CITY OF SEATTLE, COMPLAINT

1 and in his Official capacity as a DETECTIVE)
 2 of the WASHINGTON STATE PATROL, and)
 3 JANE DOE FORRESTER and the marital)
 4 community thereof; JOEL W. GORDON,)
 5 individually and in his Official capacity as a)
 6 DETECTIVE of the WASHINGTON STATE)
 7 PATROL, and JANE DOE GORDON and the)
 8 marital community thereof; CHRIS T.)
 9 GUNDERMANN, individually and in his)
 10 Official capacity as a SERGEANT of the)
 11 WASHINGTON STATE PATROL, and JANE)
 12 DOE GUNDERMANN and the marital)
 13 community thereof; JOI J. HANER,)
 14 individually and in her Official capacity as)
 15 a TROOPER of the WASHINGTON STATE)
 16 PATROL, and JOHN DOE HANER and the)
 17 marital community thereof; ROGER D.)
 18 HANSBERRY, individually and in his Official)
 19 capacity as a TROOPER of the)
 20 WASHINGTON STATE PATROL, and JANE)
 21 DOE HANSBERRY and the marital)
 22 community thereof; RUSSELL J. HANSON,)
 23 individually and in his Official capacity as a)
 24 TROOPER of the WASHINGTON STATE)
 25 PATROL, and JANE DOE HANSON and the)
 26 marital community thereof; JEFFREY R.)
 27 KERSHAW, individually and in his Official)
 28 capacity as a DETECTIVE of the)
 29 WASHINGTON STATE PATROL, and JANE)
 30 DOE KERSHAW and the marital community)
 31 thereof; DANIEL L. MANN, individually and in)
 32 his Official capacity as a DETECTIVE of the)
 33 WASHINGTON STATE PATROL, and JANE)
 34 DOE MANN and the marital community)
 35 thereof; GEORGE R. MARS, JR., individually)
 36 and in his Official capacity as a DETECTIVE)
 37 of the WASHINGTON STATE PATROL, and)
 38 JANE DOE MARS and the marital community)
 39 thereof; JOHN G. MCMULLEN, individually)
 40 and in his Official capacity as a TROOPER of)
 41 the WASHINGTON STATE PATROL and)
 42 JANE DOE MCMULLEN and the marital)
 43 community thereof; DARRELL R. NOYES,)
 44 individually and in his Official capacity as a)
 45 TROOPER of the WASHINGTON STATE)
 46 PATROL, and JANE DOE NOYES and the)

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1 marital community thereof; STEVEN E.)
 2 REEVES, individually and in his Official)
 3 capacity as a TROOPER of the)
 4 WASHINGTON STATE PATROL and JANE)
 5 DOE REEVES and the marital community)
 6 thereof; WESLEY H. RETHWILL, individually)
 7 and in his Official capacity as a SERGEANT)
 8 of the WASHINGTON STATE PATROL, and)
 9 JANE DOE RETHWILL and the marital)
 10 community thereof; CRAIG L. SAHLINGER,)
 11 individually and in his Official capacity as a)
 12 TROOPER of the WASHINGTON STATE)
 13 PATROL, and JANE DOE SAHLINGER and)
 14 the marital community thereof; DAVID J.)
 15 BROWNE, individually and in his Official)
 16 capacity as a SERGEANT of the)
 17 WASHINGTON STATE PATROL, and JANE)
 18 DOE BROWNE and the marital community)
 19 thereof; GARY D. GASSELING, individually)
 20 and in his Official capacity as a SERGEANT)
 21 of the WASHINGTON STATE PATROL, and)
 22 JANE DOE GASSELING and the marital)
 23 community thereof; PAUL M. STANEK III.,)
 24 individually and in his Official capacity as a)
 25 DETECTIVE of the WASHINGTON STATE)
 26 PATROL, and JANE DOE STANEK and the)
 27 marital community thereof; RICHARD A.)
 28 TAYLOR, individually and in his Official)
 29 capacity as a DETECTIVE of the)
 30 WASHINGTON STATE PATROL, and JANE)
 31 DOE TAYLOR and the marital community)
 32 thereof; GARY M. WILCOX, individually and)
 33 in his Official capacity as a DETECTIVE of)
 34 the WASHINGTON STATE PATROL, and)
 35 JANE DOE WILCOX and the marital)
 36 community thereof; OREST D. WILSON,)
 37 individually and in his Official capacity as a)
 38 DETECTIVE of the WASHINGTON STATE)
 39 PATROL, and JANE DOE WILSON and the)
 40 marital community thereof; RONALD W.)
 41 SERPAS, individually and in his Official)
 42 capacity as the CHIEF of the WASHINGTON)
 43 STATE PATROL, and JANE DOE SERPAS)
 44 and the marital community thereof; DANIEL)
 45 E. EIKEM, individually and in his OFFICIAL)
 46 capacity as a CAPTAIN of the WASHINGTON)

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1 STATE PATROL, and JANE DOE EIKEM)
2 and the marital community thereof; STEVEN)
3 D. MCCULLEY, individually and in his Official)
4 capacity as a LIEUTENANT of the)
5 WASHINGTON STATE PATROL, and JANE)
6 DOE MCCULLEY and the marital community)
7 thereof; VANCE PROCTER; MANUFACTURER)
8 OF LESS LETHAL WEAPONRY DOES 1-100)
9 DISTRIBUTOR and/or SALES AGENT OF LESS)
10 LETHAL WEAPONRY DOES 1-100 and DOES)
11 1-500)
12)
13 Defendants.)

17 Robert Barnes, Joseph O'Connor, K.L. Shannon, Eric Wirkman, the Plaintiffs herein, by
18 and through their attorneys, allege as follows:

INTRODUCTION

1.1 Plaintiffs are citizens of Washington who attended a demonstration which took place in downtown Seattle on the evening of June 2, 2003. The Plaintiffs were there to protest the policies and actions of an organization called the Law Enforcement Intelligence Unit (LEIU), which had gathered intelligence on lawful activists, and or to record this protest for the media. All of the Plaintiffs exercised their First Amendment rights by demonstrating peacefully, and or doing their duties as members of the media in full accordance with the law. Yet, without provocation or legitimate law enforcement purpose, and without reasonable or adequate warning, the Seattle Police Department and its agents used excessive force against the Plaintiffs and made an unreasonable seizure of the Plaintiffs by violating their rights under the Fourth, and Fourteenth Amendments to the United States Constitution; and rights under the Washington Constitution, the Seattle Police Department unreasonably interfered with Plaintiffs' First Amendment Rights and as a result Plaintiffs were chilled in the future exercise of their First Amendment Rights; and the Seattle Police Department assaulted and

1 battered Plaintiffs by 1) dousing them with chemical weapons including OC, CS, CN
2 combinations of these, and or similar agents sprayed at close range directly into their
3 faces and/or 2) shooting rubber bullets and other projectiles including "wooden
4 dowels", "flying batons", and "pepper-balls" at Plaintiffs at close range, directly hitting
5 many of the Plaintiffs, and/or 3) .Striking Plaintiffs with hands, feet, batons, bicycles,
6 and other instruments and/or 4) Damaging and or seizing plaintiffs video cameras, still
7 cameras, videotapes and film and/or 5) falsely arresting Plaintiffs These actions
8 caused Plaintiffs serious physical and emotional harm, detriment and suffering.

9 I.2 The Seattle Police Department has a pattern and practice of flagrantly
10 violating peaceful demonstrators' First Amendment Rights and using excessive force
11 in other demonstrations held in Seattle, Washington on a continuing and regular basis.

12 I.3 Plaintiffs seek compensatory and punitive damages along with injunctive
13 relief and declaratory relief from the defendants pursuant to 42 USC § 1983,
14 and compensatory damages from the City of Seattle pursuant to the
15 Washington Tort Claims Act.

16 I.4 Plaintiffs seek injunctive relief in the form of a court ordered ban on the
17 use of less lethal weaponry including chemical weapons, pepper-balls,
18 rubber bullets, flying batons, wooden dowels, stinger ball grenades, flash
19 bang grenades and other related items for crowd control of peaceful
20 demonstrations.

21 I. JURISDICTION

22
23
24
25
26 1. This court has jurisdiction over the subject matter of this action pursuant to
27 Title 28, United States Code Sections 1331, 1332, 1343, and 1367, and venue is
28 properly set in the Western District Federal Court pursuant to 28 U.S.C. 1391.

2. The claims upon which this suit is based occurred in this judicial district.

3. Plaintiffs are informed and believe, and on that basis allege, that each of the named Defendants, except for VANCE PROCTER who is a resident of Los Angeles County, California, reside in this judicial district, and all entity Defendants, except for the Law Enforcement Intelligence Unit, which is a registered California non-profit, are registered and do business in the District as their principal base of operations.

II. PARTIES

1.1 Plaintiff ROBERT BARNES is a married male living in the State of Washington, King County, in the Western District of Washington. He was attending the June 2, 2003 Protest against the Law Enforcement Intelligence Unit. He was serving as a Police Liaison, at this event. Police Liaison is a position the police themselves encourage protesters to have at demonstrations. At approximately 8:20 PM, Plaintiff Barnes was attempting to deescalate a crisis that Defendant Sanford and other Defendants were creating and escalating. Plaintiff was attempting to negotiate with Captain Sanford so that demonstrators could peacefully return to the Westlake Park, several blocks away, and conclude their permitted demonstration. Multiple Defendant Officers rushed forward, shoving Plaintiff aside, knocking Plaintiff into the air and several feet forward. Plaintiff, along with many demonstrators and bystanders, was then unnecessarily subjected to chemical agents, including pepper spray. Plaintiff was subjected to repeated exposures to these agents over the next approximately twenty-five minutes as Defendants repeatedly and gratuitously used these agents to

1 torture the demonstrators. Plaintiff has suffered long term health consequences as a
2 direct result of this exposure. These include severe asthma, coughing fits so severe
3 they would make him pass out. Plaintiff has suffered sever limitations as a result of
4 this, and must now take an asthma inhaler with him wherever he goes.

5 1.2 Plaintiff JOSEPH O'CONNOR is a single male residing in Thurston County
6 in the State of Washington. He is a recent college graduate, and produces
7 programming for a community radio station in Olympia and other media outlets.
8 Plaintiff was present at the permitted protest against the Law Enforcement Intelligence
9 Unit in Seattle Washington on June 2, 2003, and was there to videotape the event.
10 Plaintiff caught the gratuitous, and excessive violence, of the Defendant officers and
11 the gratuitous and unnecessary arrests of other demonstrators by these Defendant
12 officers repeatedly on his video camera. As result of this, Plaintiff became the target of
13 retaliation by Defendant Officers, was struck directly with a bicycle, and later subjected
14 to direct attacks with chemical agents including pepper spray.

15 1.3 Plaintiff K.L. SHANNON is a single female residing in King County
16 Washington. She attended the June 2, 2003 demonstration against the Law
17 Enforcement Intelligence Unit in her capacity as a Peacekeeper. A Peacekeeper is
18 someone who has undergone training in diffusing potentially volatile situations at
19 demonstrations. At approximately 8:20 PM, as the Defendant officers viciously and
20 gratuitously attacked the demonstrators, Plaintiff strove to move the demonstrators
21 away from the fray, toward Westlake Park. Defendant Officers gratuitously struck
22 Plaintiff and exposed her to chemicals agents, including pepper spray. At
23 approximately 8:40 P.M. Defendants gratuitously fired a "less lethal" firearm equipped

1 with an "impact projectile" at Plaintiff's back. Plaintiff was mere feet from Westlake
2 Park when this gratuitous act occurred and doing exactly what the police were asking
3 by returning to Westlake Park. Plaintiff still has a scar from this unnecessary act.

4 1.4 Plaintiff ERIC WIRKMAN is a single male residing in King County and
5 employed at the University of Washington in King County. He does much charity work
6 and frequently volunteers feeding the homeless, or organizing feeds for the homeless.
7 He attended the June 2, 2003 lawfully permitted demonstration against the Law
8 Enforcement Intelligence Unit to exercise his Constitutional Rights. He along with
9 most of the demonstrators, was in the process of leaving when the police attacked
10 them. Plaintiff attempted to calm the demonstrators, many of whom were starting to
11 panic. Defendants' chemical agents struck his face and went into his lungs.
12 Defendants struck him in the legs with their "rubber" bullets. Outraged by the
13 gratuitous use of force by Defendants, putting on a show for the people inside the Red
14 Lion Inn, Plaintiff and his friends collected much of the ordinance left around the scene
15 to preserve a record.

16 1.5 Plaintiffs have filed CLAIMS with the CITY OF SEATTLE on June 2,
17 2005 (See ATTACHMENTS) This set a 60 day tolling period that ripens on this day of
18 filing.

19 2.0 The CITY OF SEATTLE is a municipal corporation located within the
20 Western District of Washington, and organized under the laws of the State of
21 Washington. The SEATTLE POLICE DEPARTMENT is a sub-entity of the CITY OF
22 SEATTLE.

23 2.1 The TUKWILLA POLICE DEPARTMENT is a sub-entity of the City of

1 Tukwila, a municipal corporation located within the Western District of Washington,
2 and organized under the laws of the State of Washington.

3 2.2 The BURIEN POLICE DEPARTMENT is a sub-entity of the City of Burien, a
4 municipal corporation located within the Western District of Washington, and
5 organized under the laws of the State of Washington.

6 2.3 The RENTON POLICE DEPARTMENT is a sub-entity of the City of Renton,
7 a municipal corporation located within the Western District of Washington, and
8 organized under the laws of the State of Washington.

9 2.4 The REDMOND POLICE DEPARTMENT is a sub-entity of the City of
10 Redmond, a municipal corporation located within the Western District of Washington,
11 and organized under the laws of the State of Washington.

12 2.5 The KING COUNTY SHERIFF'S OFFICE is a sub-entity of the COUNTY
13 OF KING, a municipal corporation located within the Western District of Washington,
14 and organized under the laws of the State of Washington.

15 2.6 The LAW ENFORCEMENT INTELLIGENCE UNIT, herein after referred to
16 as the LEIU, is a private non-profit, registered in California, made up virtually entirely
17 of public employees of law enforcement agencies, that does substantial business in
18 Washington, and reasonably and purposely avails itself of the laws of the State of
19 Washington, and was purposefully involved in the incidents herein alleged, and
20 therefore is subject to the jurisdiction of this court.

21 2.7 Captain MICHAEL SANFORD and Jane Doe SANFORD constitute a
22 marital community under the laws of the State of Washington and upon belief reside
23 within KING County within the Western District of Washington State. Upon belief,

1 MICHAEL SANFORD was at the time of the injuries complained of in this complaint,
2 an employee and/or agent of the CITY OF SEATTLE and the SEATTLE POLICE
3 DEPARTMENT acting within the scope of his duties as a CAPTAIN of the SEATTLE
4 POLICE DEPARTMENT, AND AS THE INCIDENT COMMANDER for the event in
5 question.

6 2.8 R. GIL KERLIKOWSKE and Jane Doe KERLIKOWSKE constitute a marital
7 community under the laws of the State of Washington and upon belief reside within
8 KING County within the Western District of Washington State. Upon belief, Mike Ware
9 was at the time of the injuries complained of in this complaint, an employee and/or
10 agent of the CITY OF SEATTLE and the SEATTLE POLICE DEPARTMENT acting
11 within the scope of his duties as the CHIEF of the SEATTLE POLICE DEPARTMENT

12 2.9 DEPUTY CHIEF CLARK KIMERER and JANE DOE KIMERER constitute
13 a marital community under the laws of the State of Washington and upon belief reside
14 within KING County within the Western District of Washington State. Upon belief,
15 CLARK KIMERER was at the time of the injuries complained of in this complaint, an
16 employee and/or agent of the CITY OF SEATTLE and the SEATTLE POLICE
17 DEPARTMENT acting within the scope of his duties as a DEPUTY CHIEF of the
18 SEATTLE POLICE DEPARTMENT.

19 2.10 ASSISTANT CHIEF JIM PUGEL and JANE DOE PUGEL constitute a
20 marital community under the laws of the State of Washington and upon belief reside
21 within KING County within the Western District of Washington State. Upon belief, Tim
22 JANE DOE PUGEL was at the time of the injuries complained of in this complaint, an
23 employee and/or agent of the CITY OF SEATTLE and the SEATTLE POLICE

1 DEPARTMENT acting within the scope of his duties as an ASSISTANT CHIEF of the
2 SEATTLE POLICE DEPARTMENT.

3 2.11 LIEUTENANT STEVE WILSKE and JANE DOE WILSKE constitute a
4 marital community under the laws of the State of Washington and upon belief reside
5 within KING County within the Western District of Washington State. Upon belief,
6 STEVE WILSKE was at the time of the injuries complained of in this complaint, an
7 employee and/or agent of the CITY OF SEATTLE and the SEATTLE POLICE
8 DEPARTMENT acting within the scope of his duties as a LIEUTENANT of the
9 SEATTLE POLICE DEPARTMENT.

10 2.12 SERGEANT J.K. DYMENT and JOHN DOE DYMENT constitute a
11 marital community under the laws of the State of Washington and upon belief reside
12 within KING County within the Western District of Washington State. Upon belief, J.K.
13 DYMENT was at the time of the injuries complained of in this complaint, an employee
14 and/or agent of the CITY OF SEATTLE and the SEATTLE POLICE DEPARTMENT,
15 acting within the scope of her duties as a SERGEANT of the SEATTLE POLICE
16 DEPARTMENT.

17 2.13 SERGEANT A.C. PRICE and JANE DOE PRICE constitute a marital
18 community under the laws of the State of Washington and upon belief reside within
19 KING County within the Western District of Washington State. Upon belief, A.C.
20 PRICE was at the time of the injuries complained of in this complaint, an employee
21 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a
22 SERGEANT of the SEATTLE POLICE DEPARTMENT.

23 2.14 LIEUTENANT G. CALDER and JANE DOE CALDER constitute a marital

1 community under the laws of the State of Washington and upon belief reside within
2 KING County within the Western District of Washington State. Upon belief, G.
3 CALDER was at the time of the injuries complained of in this complaint, an employee
4 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a
5 LIEUTENANT of the SEATTLE POLICE DEPARTMENT.

6 2.15 LIEUTENANT J.J. JANKAUSKAS and JANE DOE JANKAUSKAS
7 constitute a marital community under the laws of the State of Washington and upon
8 belief reside within KING County within the Western District of Washington State.
9 Upon belief, J.J. JANKAUSKAS was at the time of the injuries complained of in this
10 complaint, an employee and/or agent of the CITY OF SEATTLE acting within the
11 scope of his duties as a LIEUTENANT of the SEATTLE POLICE DEPARTMENT.

12 2.16 SERGEANT M.A. COOMES and JANE DOE COOMES constitute a
13 marital community under the laws of the State of Washington and upon belief reside
14 within KING County within the Western District of Washington State. Upon belief, M.A.
15 COOMES was at the time of the injuries complained of in this complaint, an employee
16 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a
17 SERGEANT of the SEATTLE POLICE DEPARTMENT.

18 2.17 SERGEANT D.R. LOWE and JANE DOE LOWE constitute a marital
19 community under the laws of the State of Washington and upon belief reside within
20 KING County within the Western District of Washington State. Upon belief, D.R.
21 LOWE was at the time of the injuries complained of in this complaint, an employee
22 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a
23 SERGEANT of the SEATTLE POLICE DEPARTMENT.

1 2.18 SERGEANT J.J. MAGAN and JANE DOE MAGAN constitute a marital
2 community under the laws of the State of Washington and upon belief reside within
3 KING County within the Western District of Washington State. Upon belief, J.J.
4 MAGAN was at the time of the injuries complained of in this complaint, an employee
5 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a
6 SERGEANT of the SEATTLE POLICE DEPARTMENT.

7 2.19 SERGEANT BRADY and JANE DOE BRADY constitute a marital
8 community under the laws of the State of Washington and upon belief reside within
9 KING County within the Western District of Washington State. Upon belief, SGT.
10 BRADY was at the time of the injuries complained of in this complaint, an employee
11 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a
12 SERGEANT of the SEATTLE POLICE DEPARTMENT.

13 2.20 SERGEANT BROTHERTON and JANE DOE BROTHERTON constitute a
14 marital community under the laws of the State of Washington and upon belief reside
15 within KING County within the Western District of Washington State. Upon belief,
16 SGT. BROTHERTON was at the time of the injuries complained of in this complaint,
17 an employee and/or agent of the CITY OF SEATTLE acting within the scope of his
18 duties as a SERGEANT of the SEATTLE POLICE DEPARTMENT.

19 2.21 DETECTIVE R. ROMERO and JANE DOE ROMERO constitute a marital
20 community under the laws of the State of Washington and upon belief reside within
21 KING County within the Western District of Washington State. Upon belief, R.
22 ROMERO was at the time of the injuries complained of in this complaint, an employee
23 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a

1 DETECTIVE of the SEATTLE POLICE DEPARTMENT.

2 2.22 P.C. WALL and JANE DOE WALL constitute a marital community under
3 the laws of the State of Washington and upon belief reside within KING County within
4 the Western District of Washington State. Upon belief, P.C. WALL was at the time of
5 the injuries complained of in this complaint, an employee and/or agent of the CITY OF
6 SEATTLE acting within the scope of his duties as an OFFICER of the SEATTLE
7 POLICE DEPARTMENT.

8 2.23 D.D. DARNALL and JANE DOE DARNALL constitute a marital
9 community under the laws of the State of Washington and upon belief reside within
10 KING County within the Western District of Washington State. Upon belief, D.D.
11 DARNAL was at the time of the injuries complained of in this complaint, an employee
12 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as an
13 OFFICER of the SEATTLE POLICE DEPARTMENT.

14 2.24 R. NELSON and JANE DOE NELSON constitute a marital community
15 under the laws of the State of Washington and upon belief reside within KING County
16 within the Western District of Washington State. Upon belief, R. NELSON was at the
17 time of the injuries complained of in this complaint, an employee and/or agent of the
18 CITY OF SEATTLE acting within the scope of his duties as an OFFICER of the
19 SEATTLE POLICE DEPARTMENT.

20 2.25 G. NELSON and JANE DOE NELSON constitute a marital community
21 under the laws of the State of Washington and upon belief reside within KING County
22 within the Western District of Washington State. Upon belief, G. NELSON was at the
23 time of the injuries complained of in this complaint, an employee and/or agent of the

1 CITY OF SEATTLE acting within the scope of his duties as a SERGEANT of the
2 SEATTLE POLICE DEPARTMENT.

3 2.26 MATTHEW M. DIESZI and JANE DOE DIESZI constitute a marital
4 community under the laws of the State of Washington and upon belief reside within
5 KING County within the Western District of Washington State. Upon belief,
6 MATTHEW M. DIESZI was at the time of the injuries complained of in this complaint,
7 an employee and/or agent of the CITY OF SEATTLE acting within the scope of his
8 duties as an OFFICER of the SEATTLE POLICE DEPARTMENT.

9 2.27 K. SWANK and JANE DOE SWANK constitute a marital community
10 under the laws of the State of Washington and upon belief reside within KING County
11 within the Western District of Washington State. Upon belief, K. SWANK was at the
12 time of the injuries complained of in this complaint, an employee and/or agent of the
13 CITY OF SEATTLE acting within the scope of his duties as an OFFICER of the
14 SEATTLE POLICE DEPARTMENT.

15 2.28 TAD K. WILLOUGHBY and JANE DOE WILLOUGHBY constitute a
16 marital community under the laws of the State of Washington and upon belief reside
17 within KING County within the Western District of Washington State. Upon belief, TAD
18 K. WILLOUGHBY was at the time of the injuries complained of in this complaint, an
19 employee and/or agent of the CITY OF SEATTLE acting within the scope of his duties
20 as an OFFICER of the SEATTLE POLICE DEPARTMENT.

21 2.29 MICHAEL WHIDBEY and JANE DOE WHIDBEY constitute a marital
22 community under the laws of the State of Washington and upon belief reside within
23 KING County within the Western District of Washington State. Upon belief, MICHAEL

1 WHIDBEY was at the time of the injuries complained of in this complaint, an employee
2 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a
3 DETECTIVE of the SEATTLE POLICE DEPARTMENT.

4 2.30 VERNER O'QUIN and JANE DOE O'QUIN constitute a marital
5 community under the laws of the State of Washington and upon belief reside within
6 KING County within the Western District of Washington State. Upon belief, VERNER
7 O'QUIN was at the time of the injuries complained of in this complaint, an employee
8 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as a
9 SERGEANT of the SEATTLE POLICE DEPARTMENT.

10 2.31 SGT. JANDOC and JANE DOE JANDOC constitute a marital community
11 under the laws of the State of Washington and upon belief reside within KING County
12 within the Western District of Washington State. Upon belief, SGT. JANDOC was at
13 the time of the injuries complained of in this complaint, an employee and/or agent of
14 the CITY OF SEATTLE acting within the scope of his duties as a SERGEANT of the
15 SEATTLE POLICE DEPARTMENT.

16 2.32 OFFICER LANDERS and JANE DOE LANDERS constitute a marital
17 community under the laws of the State of Washington and upon belief reside within
18 KING County within the Western District of Washington State. Upon belief, OFFICER
19 LANDERS was at the time of the injuries complained of in this complaint, an employee
20 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as an
21 OFFICER of the SEATTLE POLICE DEPARTMENT.

22 2.33 LOREN R. STREET and JANE DOE STREET constitute a marital
23 community under the laws of the State of Washington and upon belief reside within

1 KING County within the Western District of Washington State. Upon belief, LOREN R.
2 STREET was at the time of the injuries complained of in this complaint, an employee
3 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as an
4 OFFICER of the SEATTLE POLICE DEPARTMENT.

5 2.34 P.J. FOX and JANE DOE FOX constitute a marital community under the
6 laws of the State of Washington and upon belief reside within KING County within the
7 Western District of Washington State. Upon belief, P.J. FOX was at the time of the
8 injuries complained of in this complaint, an employee and/or agent of the CITY OF
9 SEATTLE acting within the scope of his duties as an OFFICER of the SEATTLE
10 POLICE DEPARTMENT.

11 2.35 THOMAS M. MOONEY and JANE DOE MOONEY constitute a marital
12 community under the laws of the State of Washington and upon belief reside within
13 KING County within the Western District of Washington State. Upon belief, THOMAS
14 M. MOONEY was at the time of the injuries complained of in this complaint, an
15 employee and/or agent of the CITY OF SEATTLE acting within the scope of his duties
16 as an OFFICER of the SEATTLE POLICE DEPARTMENT.

17 2.36 K. ZEIGER and JANE DOE K. ZEIGER constitute a marital community
18 under the laws of the State of Washington and upon belief reside within KING County
19 within the Western District of Washington State. Upon belief, K. ZEIGER was at the
20 time of the injuries complained of in this complaint, an employee and/or agent of the
21 CITY OF SEATTLE acting within the scope of his duties as an OFFICER of the
22 SEATTLE POLICE DEPARTMENT.

23 2.37 J.J. LEE and JANE DOE LEE constitute a marital community under the

1 laws of the State of Washington and upon belief reside within KING County within the
2 Western District of Washington State. Upon belief, J.J. LEE was at the time of the
3 injuries complained of in this complaint, an employee and/or agent of the CITY OF
4 SEATTLE acting within the scope of his duties as an OFFICER of the SEATTLE
5 POLICE DEPARTMENT.

6 2.38 RIK K. HALL and JANE DOE HALL constitute a marital community under
7 the laws of the State of Washington and upon belief reside within KING County within
8 the Western District of Washington State. Upon belief, RIK K. HALL was at the time of
9 the injuries complained of in this complaint, an employee and/or agent of the CITY OF
10 SEATTLE acting within the scope of his duties as an OFFICER of the SEATTLE
11 POLICE DEPARTMENT.

12 2.39 M. LANZ and JANE DOE LANZ constitute a marital community under
13 the laws of the State of Washington and upon belief reside within KING County within
14 the Western District of Washington State. Upon belief, M. LANZ was at the time of the
15 injuries complained of in this complaint, an employee and/or agent of the CITY OF
16 SEATTLE acting within the scope of his duties as an OFFICER of the SEATTLE
17 POLICE DEPARTMENT.

18 2.40 PATRICIA A. MACDONALD and JOHN DOE MACDONALD constitute a
19 marital community under the laws of the State of Washington and upon belief reside
20 within KING County within the Western District of Washington State. Upon belief,
21 PATRICIA A. MACDONALD was at the time of the injuries complained of in this
22 complaint, an employee and/or agent of the CITY OF SEATTLE acting within the
23 scope of her duties as an OFFICER of the SEATTLE POLICE DEPARTMENT.

1 2.41 WALTER M. HAYDEN and JANE DOE HAYDEN constitute a marital
2 community under the laws of the State of Washington and upon belief reside within
3 KING County within the Western District of Washington State. Upon belief, WALTER
4 M. HAYDEN was at the time of the injuries complained of in this complaint, an
5 employee and/or agent of the CITY OF SEATTLE acting within the scope of his duties
6 as an OFFICER of the SEATTLE POLICE DEPARTMENT.

7 2.42 MARK A. GRINSTEAD and JANE DOE GRINSTEAD constitute a marital
8 community under the laws of the State of Washington and upon belief reside within
9 KING County within the Western District of Washington State. Upon belief, MARK A.
10 GRINSTEAD was at the time of the injuries complained of in this complaint, an
11 employee and/or agent of the CITY OF SEATTLE acting within the scope of his duties
12 as an OFFICER of the SEATTLE POLICE DEPARTMENT.

13 2.43 TOMMIE M. DORAN and JANE DOE DORAN constitute a marital
14 community under the laws of the State of Washington and upon belief reside within
15 KING County within the Western District of Washington State. Upon belief, TOMMIE
16 M. MORAN was at the time of the injuries complained of in this complaint, an
17 employee and/or agent of the CITY OF SEATTLE acting within the scope of his duties
18 as an OFFICER of the SEATTLE POLICE DEPARTMENT.

19 2.44 ADRAIN Z. DIAZ and JANE DOE DIAZ constitute a marital community
20 under the laws of the State of Washington and upon belief reside within KING County
21 within the Western District of Washington State. Upon belief, ADIAN Z. DIAZ was at
22 the time of the injuries complained of in this complaint, an employee and/or agent of
23 the CITY OF SEATTLE acting within the scope of his duties as a SERGEANT of the

1 SEATTLE POLICE DEPARTMENT.

2 2.45 CHAD L. MCLAUGHLIN and JANE DOE MCLAUGHLIN constitute a
3 marital community under the laws of the State of Washington and upon belief reside
4 within KING County within the Western District of Washington State. Upon belief,
5 CHAD L. MCLAUGHLIN was at the time of the injuries complained of in this complaint,
6 an employee and/or agent of the CITY OF SEATTLE acting within the scope of his
7 duties as an OFFICER of the SEATTLE POLICE DEPARTMENT.

8 2.46 BRAD CONWAY and JANE DOE CONWAY constitute a marital
9 community under the laws of the State of Washington and upon belief reside within
10 KING County within the Western District of Washington State. Upon belief, BRAD
11 CONWAY was at the time of the injuries complained of in this complaint, an employee
12 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as an
13 OFFICER of the SEATTLE POLICE DEPARTMENT.

14 2.47 MATTHEW BRADRICK and JANE DOE BRADRICK constitute a marital
15 community under the laws of the State of Washington and upon belief reside within
16 KING County within the Western District of Washington State. Upon belief,
17 MATTHEW BRADRICK was at the time of the injuries complained of in this complaint,
18 an employee and/or agent of the CITY OF SEATTLE acting within the scope of his
19 duties as an OFFICER of the SEATTLE POLICE DEPARTMENT.

20 2.48 DAVID FITZGERALD and JANE DOE FITZGERALD constitute a marital
21 community under the laws of the State of Washington and upon belief reside within
22 KING County within the Western District of Washington State. Upon belief, DAVID
23 FITZGERALD was at the time of the injuries complained of in this complaint, an

1 employee and/or agent of the CITY OF SEATTLE acting within the scope of his duties
2 as an OFFICER of the SEATTLE POLICE DEPARTMENT.

3 2.49 RANDALL A. JOKELA and JANE DOE JOKELA constitute a marital
4 community under the laws of the State of Washington and upon belief reside within
5 KING County within the Western District of Washington State. Upon belief, RANDALL
6 A. JOKELA was at the time of the injuries complained of in this complaint, an
7 employee and/or agent of the CITY OF SEATTLE acting within the scope of his duties
8 as an OFFICER of the SEATTLE POLICE DEPARTMENT.

9 2.50 GEORGE HISSUNG, JR. AND JANE DOE HISSUNG constitute a marital
10 community under the laws of the State of Washington and upon belief reside within
11 KING County within the Western District of Washington State. Upon belief, GEORGE
12 HISSUNG, JR. was at the time of the injuries complained of in this complaint, an
13 employee and/or agent of the CITY OF SEATTLE acting within the scope of his duties
14 as an OFFICER of the SEATTLE POLICE DEPARTMENT.

15 2.51 JASON G. DRUMMOND AND JANE DOE DRUMMOND constitutes a
16 marital community under the laws of the State of Washington and upon belief resides
17 within KING County within the Western District of Washington State. Upon belief,
18 JASON G. DRUMMOND was at the time of the injuries complained of in this complaint,
19 an employee and/or agent of the CITY OF SEATTLE acting within the scope of his
20 duties as an OFFICER of the SEATTLE POLICE DEPARTMENT.

21 2.52 JOHN A. DIAZ and JANE DOE DIAZ constitute a marital community
22 under the laws of the State of Washington and upon belief reside within KING County
23 within the Western District of Washington State. Upon belief, JOHN A. DIAZ was at

1 the time of the injuries complained of in this complaint, an employee and/or agent of
2 the CITY OF SEATTLE acting within the scope of his duties as an OFFICER of the
3 SEATTLE POLICE DEPARTMENT.

4 2.53 OFFICER MCCRAE and JANE DOE MCCRAE constitute a marital
5 community under the laws of the State of Washington and upon belief reside within
6 KING County within the Western District of Washington State. Upon belief, OFFICER
7 MCCRAE was at the time of the injuries complained of in this complaint, an employee
8 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as an
9 OFFICER of the SEATTLE POLICE DEPARTMENT.

10 2.54 JAMES B. PATCHEN and JANE DOE PATCHEN constitute a marital
11 community under the laws of the State of Washington and upon belief reside within
12 KING County within the Western District of Washington State. Upon belief, JAMES B.
13 PATCHEN was at the time of the injuries complained of in this complaint, an employee
14 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as an
15 OFFICER of the SEATTLE POLICE DEPARTMENT.

16 2.55 MICHAEL M. SUDDUTH and JANE DOE SUDDUTH constitute a marital
17 community under the laws of the State of Washington and upon belief reside within
18 KING County within the Western District of Washington State. Upon belief, MICHAEL
19 M. SUDDUTH was at the time of the injuries complained of in this complaint, an
20 employee and/or agent of the CITY OF SEATTLE acting within the scope of his duties
21 as an OFFICER of the SEATTLE POLICE DEPARTMENT.

22 2.56 WILLIE WILLIAMS and JANE DOE WILLIAMS constitute a marital
23 community under the laws of the State of Washington and upon belief reside within

1 KING County within the Western District of Washington State. Upon belief, WILLIE
2 WILLIAMS was at the time of the injuries complained of in this complaint, an employee
3 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as an
4 OFFICER of the SEATTLE POLICE DEPARTMENT.

5 2.57 W. CRAVENS and JANE DOE CRAVENS constitute a marital
6 community under the laws of the State of Washington and upon belief reside within
7 KING County within the Western District of Washington State. Upon belief, W.
8 CRAVENS was at the time of the injuries complained of in this complaint, an employee
9 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as an
10 OFFICER of the SEATTLE POLICE DEPARTMENT.

11 2.58 R. BOURNES and JANE DOE BOURNES constitute a marital
12 community under the laws of the State of Washington and upon belief reside within
13 KING County within the Western District of Washington State. Upon belief, R.
14 BOURNES was at the time of the injuries complained of in this complaint, an employee
15 and/or agent of the CITY OF SEATTLE acting within the scope of his duties as an
16 OFFICER of the SEATTLE POLICE DEPARTMENT.

17 2.59 MARK L. WORSTMAN and JANE DOE WORSTMAN constitute a marital
18 community under the laws of the State of Washington and upon belief reside within
19 KING County within the Western District of Washington State. Upon belief, MARK L.
20 WORSTMAN was at the time of the injuries complained of in this complaint, an
21 employee and/or agent of the CITY OF SEATTLE acting within the scope of his duties
22 as a SERGEANT of the SEATTLE POLICE DEPARTMENT.

23 2.60 BILL GARDINER and JANE DOE GARDINER constitute a marital

1 community under the laws of the State of Washington and upon belief reside within
2 KING County within the Western District of Washington State. Upon belief, BILL
3 GARDINER was at the time of the injuries complained of in this complaint, under a
4 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting
5 within the scope of his duties as a LIEUTENANT of the WASHINGTON STATE
6 PATROL.

7 2.61 MARK W. LAMOREAUX and JANE DOE LAMOREAUX constitute a
8 marital community under the laws of the State of Washington and upon belief reside
9 within KING County within the Western District of Washington State. Upon belief,
10 MARK W. LAMOREAUX was at the time of the injuries complained of in this complaint,
11 under a material aid agreement an employee and/or agent of the CITY OF SEATTLE
12 acting within the scope of his duties as a LIEUTENANT of the WASHINGTON STATE
13 PATROL.

14 2.62 SHAWN BERRY and JANE DOE BERRY constitute a marital community
15 under the laws of the State of Washington and upon belief reside within KING County
16 within the Western District of Washington State. Upon belief, SHAWN BERRY was at
17 the time of the injuries complained of in this complaint, under a material aid agreement
18 an employee and/or agent of the CITY OF SEATTLE acting within the scope of his
19 duties as a DETECTIVE of the WASHINGTON STATE PATROL.

20 2.63 JAMES A. CHROMEY and JANE DOE CHROMEY constitute a marital
21 community under the laws of the State of Washington and upon belief reside within
22 KING County within the Western District of Washington State. Upon belief, JAMES A.
23 CHROMEY was at the time of the injuries complained of in this complaint, under a

1 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting
2 within the scope of his duties as a LIEUTENANT of the WASHINGTON STATE
3 PATROL.

4 2.64 DAVID W. BOURLAND and JANE DOE BOURLAND constitute a marital
5 community under the laws of the State of Washington and upon belief reside within
6 KING County within the Western District of Washington State. Upon belief, DAVID W.
7 BOURLAND was at the time of the injuries complained of in this complaint, under a
8 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting
9 within the scope of his duties as a TROOPER of the WASHINGTON STATE PATROL.

10 2.65 CURT G. BOYLE and JANE DOE BOYLE constitute a marital
11 community under the laws of the State of Washington and upon belief reside within
12 KING County within the Western District of Washington State. Upon belief, CURT G.
13 BOYLE was at the time of the injuries complained of in this complaint, under a material
14 aid agreement an employee and/or agent of the CITY OF SEATTLE acting within the
15 scope of his duties as a TROOPER of the WASHINGTON STATE PATROL.

16 2.66 RICARDO BRITO and JANE DOE BRITO constitute a marital community
17 under the laws of the State of Washington and upon belief reside within KING County
18 within the Western District of Washington State. Upon belief, RICARDO BRITO was at
19 the time of the injuries complained of in this complaint, under a material aid agreement
20 an employee and/or agent of the CITY OF SEATTLE acting within the scope of his
21 duties as a TROOPER of the WASHINGTON STATE PATROL.

22 2.67 DARIN F. DE RUWE and JANE DOE DE RUWE constitute a marital
23 community under the laws of the State of Washington and upon belief reside within

1 KING County within the Western District of Washington State. Upon belief, DARIN F.
2 DE RUWE was at the time of the injuries complained of in this complaint, under a
3 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting
4 within the scope of his duties as a TROOPER of the WASHINGTON STATE PATROL.

5 2.68 BRYAN R. DUCOMMUN and JANE DOE DUCOMMUN constitute a
6 marital community under the laws of the State of Washington and upon belief reside
7 within KING County within the Western District of Washington State. Upon belief,
8 BRYAN R. DUCOMMUN was at the time of the injuries complained of in this complaint,
9 under a material aid agreement an employee and/or agent of the CITY OF SEATTLE
10 acting within the scope of his duties as a TROOPER of the WASHINGTON STATE
11 PATROL.

12 2.69 ANN E. DUTTON and JOHN DOE DUTTON constitute a marital
13 community under the laws of the State of Washington and upon belief reside within
14 KING County within the Western District of Washington State. Upon belief, ANN E.
15 DUTTON was at the time of the injuries complained of in this complaint, under a
16 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting
17 within the scope of her duties as a DETECTIVE of the WASHINGTON STATE
18 PATROL.

19 2.70 KEVIN L. FORRESTER and JANE DOE FORRESTER constitute a
20 marital community under the laws of the State of Washington and upon belief reside
21 within KING County within the Western District of Washington State. Upon belief,
22 KEVIN L. FORRESTER was, at the time of the injuries complained of in this complaint,
23 under a material aid agreement an employee and/or agent of the CITY OF SEATTLE

1 acting within the scope of his duties as a DETECTIVE of the WASHINGTON STATE
2 PATROL.

3 2.71 JOEL W. GORDON and JANE DOE GORDON constitute a marital
4 community under the laws of the State of Washington and upon belief reside within
5 KING County within the Western District of Washington State. Upon belief, JOEL W.
6 GORDON was at the time of the injuries complained of in this complaint, under a
7 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting
8 within the scope of his duties as a DETECTIVE of the WASHINGTON STATE
9 PATROL.

10 2.72 CHRIS T. GUNDERMANN and JANE DOE GUNDERMANN constitute a
11 marital community under the laws of the State of Washington and upon belief reside
12 within KING County within the Western District of Washington State. Upon belief,
13 CHRIS T. GUNDERMANN was at the time of the injuries complained of in this
14 complaint, under a material aid agreement an employee and/or agent of the CITY OF
15 SEATTLE acting within the scope of his duties as a SERGEANT of the WASHINGTON
16 STATE PATROL.

17 2.73 JOI J. HANER and JOHN DOE HANER constitute a marital community
18 under the laws of the State of Washington and upon belief reside within KING County
19 within the Western District of Washington State. Upon belief, JOI J. HANER was at the
20 time of the injuries complained of in this complaint, under a material aid agreement an
21 employee and/or agent of the CITY OF SEATTLE acting within the scope of her duties
22 as a TROOPER of the WASHINGTON STATE PATROL.

23 2.74 ROGER D. HANSBERRY and JANE DOE HANSBERRY constitute a

1 marital community under the laws of the State of Washington and upon belief reside
2 within KING County within the Western District of Washington State. Upon belief,
3 ROGER D. HANSBERRY was at the time of the injuries complained of in this
4 complaint, under a material aid agreement an employee and/or agent of the CITY OF
5 SEATTLE acting within the scope of his duties as a TROOPER of the WASHINGTON
6 STATE PATROL.

7 2.75 RUSSELL J. HANSON and JANE DOE HANSON constitute a marital
8 community under the laws of the State of Washington and upon belief reside within
9 KING County within the Western District of Washington State. Upon belief, RUSSELL
10 J. HANSON was at the time of the injuries complained of in this complaint, under a
11 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting
12 within the scope of his duties as a TROOPER of the WASHINGTON STATE PATROL.

13 2.76 JEFFREY R. KERSHAW and JANE DOE KERSHAW constitute a
14 marital community under the laws of the State of Washington and upon belief reside
15 within KING County within the Western District of Washington State. Upon belief,
16 JEFFREY R. KERSHAW was at the time of the injuries complained of in this complaint,
17 under a material aid agreement an employee and/or agent of the CITY OF SEATTLE
18 acting within the scope of his duties as a DETECTIVE of the WASHINGTON STATE
19 PATROL.

20 2.77 DANIEL L. MANN and JANE DOE MANN constitute a marital community
21 under the laws of the State of Washington and upon belief reside within KING County
22 within the Western District of Washington State. Upon belief, DANIEL L. MANN was at
23 the time of the injuries complained of in this complaint, under a material aid agreement

1 an employee and/or agent of the CITY OF SEATTLE acting within the scope of his
2 duties as a DETECTIVE of the WASHINGTON STATE PATROL.

3 2.79 GEORGE R. MARS and JANE DOE MARS constitute a marital
4 community under the laws of the State of Washington and upon belief reside within
5 KING County within the Western District of Washington State. Upon belief, GEORGE
6 R. MARS was at the time of the injuries complained of in this complaint, under a
7 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting
8 within the scope of his duties as a DETECTIVE of the WASHINGTON STATE
9 PATROL.

10 2.80 JOHN G. MCMULLEN and JANE DOE MCMULLEN constitute a marital
11 community under the laws of the State of Washington and upon belief reside within
12 KING County within the Western District of Washington State. Upon belief, JOHN G.
13 MCMULLEN was at the time of the injuries complained of in this complaint, under a
14 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting
15 within the scope of his duties as a TROOPER of the WASHINGTON STATE PATROL.

16 2.81 DARRELL R. NOYES and JANE DOE NOYES constitute a marital
17 community under the laws of the State of Washington and upon belief reside within
18 KING County within the Western District of Washington State. Upon belief, DARRELL
19 R. NOYES was at the time of the injuries complained of in this complaint, under a
20 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting
21 within the scope of his duties as a TROOPER of the WASHINGTON STATE PATROL.

22 2.82 STEVEN E. REEVES and JANE DOE REEVES constitute a marital
23 community under the laws of the State of Washington and upon belief reside within

1 KING County within the Western District of Washington State. Upon belief, STEVEN
2 E. REEVES was at the time of the injuries complained of in this complaint, under a
3 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting
4 within the scope of his duties as a TROOPER of the WASHINGTON STATE PATROL.

5 2.83 WESLEY H. RETHWILL and JANE DOE RETHWILL constitute a marital
6 community under the laws of the State of Washington and upon belief reside within
7 KING County within the Western District of Washington State. Upon belief, WESLEY
8 H. RETHWILL was at the time of the injuries complained of in this complaint, under a
9 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting
10 within the scope of his duties as a SERGEANT of the WASHINGTON STATE
11 PATROL.

12 2.84 CRAIG L. SAHLINGER and JANE DOE SAHLINGER constitute a
13 marital community under the laws of the State of Washington and upon belief reside
14 within KING County within the Western District of Washington State. Upon belief,
15 CRAIG L. SAHLINGER was at the time of the injuries complained of in this complaint,
16 under a material aid agreement an employee and/or agent of the CITY OF SEATTLE
17 acting within the scope of his duties as a TROOPER of the WASHINGTON STATE
18 PATROL.

19 2.85 DAVID J. BROWNE and JANE DOE BROWNE constitute a marital
20 community under the laws of the State of Washington and upon belief reside within
21 KING County within the Western District of Washington State. Upon belief, DAVID J.
22 BROWNE was at the time of the injuries complained of in this complaint, under a
23 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting

1 within the scope of his duties as a SERGEANT of the WASHINGTON STATE
2 PATROL.

3 2.86 GARY D. GASSELING and JANE DOE GASSELING constitute a marital
4 community under the laws of the State of Washington and upon belief reside within
5 KING County within the Western District of Washington State. Upon belief, GARY D.
6 GASSELING was at the time of the injuries complained of in this complaint, under a
7 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting
8 within the scope of his duties as a SERGEANT of the WASHINGTON STATE
9 PATROL.

10 2.87 PAUL M. STANEK III and JANE DOE STANEK constitute a marital
11 community under the laws of the State of Washington and upon belief reside within
12 KING County within the Western District of Washington State. Upon belief, PAUL M.
13 STANEK III was at the time of the injuries complained of in this complaint, under a
14 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting
15 within the scope of his duties as a DETECTIVE of the WASHINGTON STATE
16 PATROL.

17 2.88 RICHARD A. TAYLOR and JANE DOE TAYLOR constitute a marital
18 community under the laws of the State of Washington and upon belief reside within
19 KING County within the Western District of Washington State. Upon belief, RICHARD
20 A. TAYLOR was at the time of the injuries complained of in this complaint, under a
21 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting
22 within the scope of his duties as a DETECTIVE of the WASHINGTON STATE
23 PATROL.

1 2.89 GARY M. WILCOX and JANE DOE WILCOX constitute a marital
2 community under the laws of the State of Washington and upon belief reside within
3 KING County within the Western District of Washington State. Upon belief, GARY M.
4 WILCOX was at the time of the injuries complained of in this complaint, under a
5 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting
6 within the scope of his duties as a DETECTIVE of the WASHINGTON STATE
7 PATROL.

8 2.90 OREST D. WILSON and JANE DOE WILSON constitute a marital
9 community under the laws of the State of Washington and upon belief reside within
10 KING County within the Western District of Washington State. Upon belief, OREST D.
11 WILSON was at the time of the injuries complained of in this complaint, under a
12 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting
13 within the scope of his duties as a DETECTIVE of the WASHINGTON STATE
14 PATROL.

15 2.91 RONALD W. SERPAS and JANE DOE SERPAS constitute a marital
16 community under the laws of the State of Washington and upon belief reside within
17 KING County within the Western District of Washington State. Upon belief, RONALD
18 W. SERPAS was at the time of the injuries complained of in this complaint, under a
19 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting
20 within the scope of his duties as the CHIEF of the WASHINGTON STATE PATROL.

21 2.92 DANIEL E. EIKEM and JANE DOE EIKEM constitute a marital community
22 under the laws of the State of Washington and upon belief reside within KING County
23 within the Western District of Washington State. Upon belief, DANIEL E. EIKEM was

1 at the time of the injuries complained of in this complaint, under a material aid
2 agreement an employee and/or agent of the CITY OF SEATTLE acting within the
3 scope of his duties as a CAPTAIN of the WASHINGTON STATE PATROL.

4 2.93 STEVEN D. MCCULLEY and JANE DOE MCCULLEY constitute a marital
5 community under the laws of the State of Washington and upon belief reside within
6 KING County within the Western District of Washington State. Upon belief, STEVEN
7 D. MCCULLEY was at the time of the injuries complained of in this complaint, under a
8 material aid agreement an employee and/or agent of the CITY OF SEATTLE acting
9 within the scope of his duties as a LIEUTENANT of the WASHINGTON STATE
10 PATROL.

11 2.94 There are numerous other persons, identities presently unknown to
12 Plaintiffs who are, and were at all times mentioned herein, supervisors, incident
13 commanders, and decision-makers OF THE CITY OF SEATTLE, and the SEATTLE
14 POLICE DEPARTMENT and/or the other involved agencies, who acted in concert with
15 the above named Defendants and who devised or approved the police strategy for
16 responding to the demonstration and police response thereto that are the subject of
17 this action and in doing the things hereinafter alleged, acted under color of state law as
18 agents of the CITY OF SEATTLE and with its full consent and approval.

19 2.95 There are also numerous Does, who are employees and/or Managers or
20 agents of Defendant LEIU who were directly involved in planning, organizing, and
21 orchestrating the response to the demonstration in question, including to Plaintiffs, and
22 are responsible for the harm suffered by Plaintiffs.

23 2.96. DOES 1-500 are, and were at all times mentioned herein, OFFICERS,

1 Supervisors, and the Incident Commander For This Demonstration Of The Police
2 Department Of The CITY OF SEATTLE, Or Other CITY, other Public Agency or
3 Private Actors or Officials involved in the planning, creation, development or exercise
4 of Police Force and Control against the demonstration in question, the response to
5 which is the subject of this action, and in committing the acts and omissions herein
6 alleged hereinafter alleged, acted under color of state law as agents of the CITY OF
7 SEATTLE and the SEATTLE POLICE DEPARTMENT and with its full consent and
8 approval.

9 2.97 DOES 1-100 are MANUFACTURERS OF LESS LETHAL WEAPONRY do
10 substantial business in Washington, and reasonably and purposely avail themselves of
11 the laws of the State of Washington, there product was misrepresented, subject to
12 design flaws, not fit for purpose, and or otherwise improper for the purpose of crowd
13 control at peaceful demonstrations, and was thus involved in the incidents herein
14 alleged, and therefore is subject to the jurisdiction of this court.

15 2.98 DOES 1-100 are DISTRIBUTORS and/or SALES AGENTS OF LESS
16 LETHAL WEAPONRY do substantial business in Washington, and reasonably and
17 purposely avail themselves of the laws of the State of Washington, there product was
18 misrepresented, subject to design flaws, not fit for purpose, and or otherwise improper
19 for the purpose of crowd control at peaceful demonstrations, and was thus involved in
20 the incidents herein alleged, and therefore is subject to the jurisdiction of this court.

21 2.99 This action is brought pursuant to the First, Fourth, Fifth, Eighth, and
22 Fourteenth Amendments to the United States Constitution, Article 1, Section 5 and
23 Article 1, Section 7 of the Washington State Constitution, 42 U.S.C. 1983, 1988,

1 Revised Code of Washington Title 9, Chapter 62, Section 10(1), Washington State
2 common law prohibiting assault, battery, intentional infliction of emotional distress,
3 false arrest and false imprisonment, and misappropriation of or damage to personal
4 property, Washington common law negligence.

5 2.100. Captain SANFORD was himself at the scene, involved in the decision-
6 making and active in creating the Constitutional and other legal violations that
7 occurred and that are the subject of this action.

8 2.101 Between June 3 2003 and June 2, 2004, Plaintiffs served Defendant
9 CITY OF SEATTLE with Notices of Claim, which were acknowledged by the county
10 shortly thereafter. Substantially more than 60 days has gone by since the service of
11 those claims without an acceptance or rejection. Therefore Plaintiffs have fulfilled their
12 obligations under the statute.

13

14

III. FACTS a) Overall

15 3.1 Plaintiffs were participants in a permitted, peaceful, and lawful
16 demonstration against the Law Enforcement Intelligence Unit (LEIU.) This
17 demonstration was permitted by the city and the police. In the course of this permitted
18 demonstration Plaintiffs were subjected to unreasonable force. All plaintiffs were
19 subjected to improper uses of "less lethal" weaponry, including chemical agents,
20 rubber balls, wooden dowels, batons and "pepper-ball rounds" and/or other improper
21 uses of force. All Plaintiffs suffered physical and or psychological injuries, and lost
22 their Constitutional Rights including their First Amendment rights.

23

Background